IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13712 of 2005

Between:

M.Yerra Jithender, s/o Sri Pedda Narsaiah,
r/o H.No.7-89/1, Macherla Village, Armoor Mandal, Nizamabad District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Armoor Mandal, Armoor, Nizamabad District.
2 The Revenue Divisional Officer, Armoor, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus by declaring the action of the respondents in seeking to interfere with the use and enjoyment of the bore wells in Survey No.515 of Maccherla Village, Armoor Mandal, Nizamabad District as being illegal, arbitrary and violative of Article 21 of the Constitution of India and pass such other order/s as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the action of the respondents in seeking to interfere with the use and enjoyment of the bore wells in S.No. 515 of Maccherla Village, armor Mandal, Nizamabad District, as illegal and arbitrary.

Brief facts of the case are that the petitioner is the absolute owner and possessor of agriculture lands admeasuring Ac. 2.08 gts in S.No. 512/A, 516/A, 516/AA, 516/E and 516/EE, to an extent of 0.31 guntas in S.No. 470/1 and 28 guntas in S.No. 472/2 situated at Maccherla Village, Armoor Manal, Nizamabad District. He dug bore wells about more than 10 years back in the lands and by installing 5HP electric motor duly obtained from the Electricity Department, the petitioner had been drawing the water from the bore well for irrigation of his lands. While so, the respondent authorities issued a notice dated 19.5.2003 under Section 7 of the Land Encroachment Act, 1905 calling upon him to show cause as to why the petitioner

should not be removed from the alleged encroached area of Ac. 1.25 guntas of Shikam Lands along with two bore wells. The petitioner also submitted his explanation stating that he has no objection to hand over the shikam lands but not bore wells. Therefore, pending consideration of the above explanation by the Mndal Revenue Officer, apprehending that the Mandal Revenue Officer will take steps to remove the bore wells, the petitioner approached this court by way of the present writ petition.

Considering the above facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition at the stage of admission directing the Mandal Revenue Officer to consider his representation, which is filed in response to the show cause notice dated 19.5.2003, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order, after giving an opportunity to the petitioner. Till such time, respondents are directed not to disturb bore-wells situated in Ac. 1.25 gts of Pallekunta Shikam Land. No order as to costs.

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E. DHARMA RAO, J

DATED: 28/06/2005

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To

1 The Mandal Revenue Officer, Armoor Mandal, Armoor, Nizamabad District.
2 The Revenue Divisional Officer, Armoor, Nizamabad District.

3. Two CCs to G.P.for Revenue, High Court of A.P., Hyderabad (OUT)

4. Two CD copies.